

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD P. FIGASKI and STEPHEN P. DANOWSKI,)	
)	
Plaintiffs,)	C.A. No. 03-352E
)	
v.)	Judge Sean McLaughlin
)	
WILLIAM A. STORTEN, SUZANNE R. WEBER, JOSEPH S. KUJAWA, BRIAN P. MCGRATH and MILLCREEK TOWNSHIP,)	JURY TRIAL DEMANDED
)	
Defendants)	

MOTION TO VACATE JUDGMENT

Plaintiffs and defendants, through undersigned counsel, jointly request that the Court vacate the judgment entered in this matter, and in support state as follows:

1. On May 17, 2005, this Court entered judgment on the jury's verdict following trial in this matter. The judgment was entered against defendant William Storten and defendant Millcreek Township only.
2. The parties have mutually agreed to resolve and settle all matters in dispute in this lawsuit, discontinue the lawsuit, and satisfy and/or vacate any judgment entered by the Court.
3. The parties request this Court to enter an Order satisfying and/or vacating any and all judgments entered in this matter

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

By: _____
G. Jay Habas, Esquire
PA ID No. 55581
Renaissance Centre
1001 State Street, Suite 1400
Erie, PA 16501
(814) 461-7802

and

**ELDERKIN, MARTIN, KELLY,
& MESSINA**

By: _____
Craig A. Markham, Esquire
PA ID No. 38531
150 East Eighth Street
Erie, PA 16501
(814) 456-4000

\\16_A\LIAB\GJH\LLPG\51984\BXS\03031\0016

